G. R. S. IX-5]

Previous references.

File No. 210—15

1915

Serial Nos. 3—4.

(Guzzai)

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 3, 4

Part B for March. 17.

SUBJECT.

Suit for the Recovery of Rs 2000/- due to Basanniah's Charities, Mysore under Govt. management.

To Sy. Commr. Mysore & Concpt. to Govt.
No. 2300—1. Dy. 15—3—17.

Records the Sy. Comm.r's letter of approves of the his proposal to drop further litigation in the matter of the Recovery of the above amount.

W D 88—GPB—50,000—24-7-16

A. R. Appadurai.
30-3-17

1108

G. R 3. 11] 1916-16

GENERAL AND REVENUE SECRETARIAT.

(Nuz 3)

NOTES.

File No. 210 15

FILE HEADING.

Suit for the recovery of Rs 2000/- due to Basanmals' charities at Nagpur under Govt management.

From

The Dy: Court, Nagpur Distt.

No. 373 Dated 9-1-17 Received 12-1-17

Diary No. 1108	Enclos. 2 pp. Spare Copies.	Serial No. 3

BRIEF ABSTRACT OF LETTER.

states that the Public Prosecutor, who was entrusted with the case, has now reported that the matter must be adjudicated in a regular suit and that such a suit would not be successful on account of numerous legal & technical objections & that Govt may therefore be moved to drop the matter.

NOTES AND ORDERS.

J On the recommendation of the Dy: Court, sanction was accorded in G.O. no. 1084-5/Nuz 210-15-2 of 2-4-15 to file a suit for the recovery of the amount due to the charities in question and to engage the services of the Public Prosecutor for conducting

NOTES—First Sheet.

ND 1239—GPB—60,000—1 12-16—S.

Serial No.

the case.

2 It will be seen from the Public Prosecutor's report that the munsiff has ordered that the matter must be adjudicated in a regular suit and that such a suit is not likely to succeed, as the claim of the charities will be met with a number of legal and technical objections.

3 The Dy: Comr agreeing with the opinion of the Public Prosecutor recommends that the matter may be ordered to be dropped - [The Public Prosecutor's report gives in detail the reasons for his opinion]

4 Subd for orders as to whether the Dy: Comr's recommendation may be approved

BD 2-3-17 amn 3/3/17

5 Put up draft recording the report and approving the proposal to drop ~~any~~ further litigation in the matter

lch 5-3-17

6. Draft subd for appl

BD 7 3 17 amn 9 3 17

May be approved

(No Members). lch 10 3 17

NOTE—Contn. sheet

1261 13/3. Draft approved by the first Member — BDS 13.3.17

1086

ND 1283—GPB—60,000—1-12-16—S.

C 3

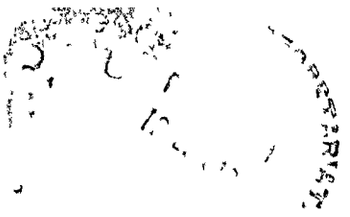
B S. III-27

General and Revenue Secretariat.

File No. 210 of 1915.

Serial No.	
4	No: 2300-1 dy 15-3-17 do de of Mysore & comptr Mysore, to recommended by the dy Comr, further action in the matter will be dropped.

1



DIARY No....1108

1916 17.
SECTION Mud
FILE No. 210-15
3.

1916-17

From The Dy Comm^r
Mysore Div^n

To The Gen^l Secretary
to Govt
Mysore Residency
Bangalore

Dated 8th January 1917

Despatched 9th January 1917.

Received

General No.
No.

Enclosure No.

Submits return re absentees, &c.

Office of the Dy Commissioner
Mysore District

Dated January 1917.

No.

From

K. Matthan Esquire, BA
Dy Commissioner
Mysore District

To

D. N. Narasinga Rao, Esqre, BA.BL
Secretary to the Govt of H. H. the
Maharaja of Mysore.
General Department
Mysore branch

Sir,

Adverting to Govt Pro. No 1084-5 Mus 210-15 dated 2nd November 1915 according sanction to file a suit for the recovery of the amount due to the Chairty of Chikkabasammiyya and to engage the services of the Public Prosecutor for Conducting the case, I have the honor to state that the Public Prosecutor who was entrusted with the case has now reported that the Munsiff has ordered that the matter must be adjudicated in a regular suit.

Copy of the Public Prosecutor's letter No 114 of the 20th October 1916 with its enclosure in original is enclosed. It will be seen from the copy of the order dated 24th July 1916 in Mus: Case No 1027 of 1899-1900 on the file of the 1st Munsiff of

Mysore that the Munsiff observes that the claim advanced on behalf of Government was not as a claim petition after attachment but filed under section 151 Civil Pro: Code (which refers to the inherent powers of the Court to make such orders as may be necessary for the ends of justice & that hence the Mysore Department has to establish its right by separate proceedings. The deed executed in favor of the Basanniyya's Charities whereby the sum of Rs 2000/- has been bequeathed to it is dated the 13th September 1897. The Public Prosecutor doubts whether this deed (Copy flagged A enclosed in the file) is a trust and is therefore of opinion that Section 10 of the Limitation Regulation is inapplicable and that a regular suit now would be time barred. The Existence of a new claimant has also since been brought to light. The Public Prosecutor therefore considers that in the light what had transpired during the course of this case a suit would not be successful on account of numerous legal and technical objections that are likely to be met in the request that Govt may be moved to drop the matter. I am inclined to agree with the opinion of the Public Prosecutor & recommend that the matter may be ordered to be dropped.

The entire file of papers on the subject is herewith submitted.

I have the honor to be
Sir,
Your most obedient servant
M. Seshadri
Dy Commissioner
Bangalore Dist

KG

Records the Mysore Dy. Comr's letter and approves of his proposal to drop further litigation in the matter of ~~the suit for~~ the recovery of the amt to Chikka Basammayya's charity at Mysore

G.R.S. 28]

GEN. & REV. SECRETARIAT
TYPE REC.
14 MAR 1917

File No. 210-15
Serial No 6

Diary No of letter replied : 1108

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT.
(Mug)

, *the* 191

READ—

G O no. 1084-5/Mug 210-15-2 G 2 11 15 according sanction to a suit being filed for the recovery of a sum ~~the amount~~ of Rs 2000 ~~due to the~~ bequeathed under a will

Date of issue 15. 3. 1917

Signed by [illegible]

ORDER THEREON.—No.

~~Charity founded~~ by Chikka Basammayya ~~in the Mysore City and placed~~ in favour of the Charities founded by the said testator under Govt management, ~~under~~ ~~a deed of will left by Basammayya~~. and to the Services ~~of the Public~~

May this be

i printed?

ii treated as a standing order?

iii published in the Gazette English part?

iv translated?

v placed at the disposal of the Press?

vi published in the Gazette Kannada part?

over

SUBJECT.

GPB—50,000—1-12-12

Prosecutor being engaged for conducting the case, the costs of the proceedings being payable from the funds at the credit of the charity

2) Letter No. 37389-1-17 from the Deputy Comr., Nagpore Distt, forwarding copies of the Public Prosecutor's report that a petition being presented ~~to the effect~~ ~~report and the Order of the Munsiff~~ to the Munsiff, it has been ordered that the matter must be adjudicated by that a regular suit and that such a suit is not likely to succeed, as the claim of the Charities would be met with a number of legal and technical objections and stating that the matter may be ordered to be dropped, as recommended by the Public Prosecutor.

23004 Encl
Order thereon
Dma 210-15-4

Recorded. 9, 15 3.17

As recommended ~~by the~~ Dy Commissioner ~~the proposal to drop~~ further action ~~litigation~~ in the matter, ~~is also approved.~~ will be dropped

10.3.17
for Secretary
9317 Genl Deptt.

MM
13/3

89
7-3-17
To
The Dy Comr, Nagpore Distt.
ref? the enclosures -
Compl?: to Govt